

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§5-1604.

(a) Except as provided in subsection (b)(2) and (3) of this section, after December 31, 1992, or after the date on which a local program has been adopted under § 5-1603 of this subtitle, whichever occurs first, a person making application for subdivision or grading or sediment control permits on areas greater than 40,000 square feet shall submit a forest stand delineation for the entire site prepared by a licensed forester, licensed landscape architect, or other qualified professionals that may be approved by the State or a local authority in the manner required by the approved program.

(b) (1) The forest stand delineation shall be used during the preliminary review process to determine the most suitable and practical areas for forest conservation. Subject to paragraphs (2) and (3) of this subsection, and except when waived by the Department during approval or review of a local program, the forest stand delineation shall contain the following components:

(i) A topographic map delineating intermittent and perennial streams, and steep slopes over 25%;

(ii) A soils map delineating soils with structural limitations, hydric soils, or soils with a soil K value greater than 0.35 on slopes of 15% or more;

(iii) Forest stand maps indicating species, location, and size of trees and showing dominant and codominant forest types; and

(iv) Any other requirements necessary to carry out the purposes of this subtitle established in regulations adopted by the Department or imposed by a local authority.

(2) A concept plat or plan, preliminary plat or plan, sediment and erosion control plan, site plan, or other appropriate document, verified by a site visit if appropriate, may substitute for the forest stand delineation required by paragraph (1) of this subsection if:

(i) There is no forest on the site; or

(ii) No forest on the site is to be cut, cleared, or graded for the proposed use, and all forest on the site is to be subject to a long-term protective agreement.

(3) The Department shall provide for, and a local authority may adopt, a simplified process or processes for forest stand delineation under this section, including:

(i) Limiting required forest sampling to areas not proposed for protection under long-term protective agreements as long as all priority areas on the site are protected; and

(ii) Minimizing overlapping mapping and sampling requirements for sites where no disturbance of priority forest retention areas is contemplated.

(c) Within 30 days from receipt of the forest stand delineation, the Department or local authority shall notify the applicant whether the forest stand delineation is complete and correct. If the Department or local authority fails to notify the applicant about the delineation within 30 days, the delineation shall be treated as complete and correct. The Department or local authority may require further information or provide for an extension of this deadline for an additional 15 days for extenuating circumstances.

[\[Previous\]](#)[\[Next\]](#)